

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JABORIE BROWN,	)	Case No.: 1:20-cv-01156-JLT (HC)
	)	
Petitioner,	)	ORDER DIRECTING CLERK OF COURT TO
	)	ASSIGN DISTRICT JUDGE
v.	)	
	)	FINDINGS AND RECOMMENDATION TO
WARDEN,	)	DISMISS PETITION AS DUPLICATIVE AND
	)	SUCCESSIVE
Respondent.	)	
	)	[TEN-DAY OBJECTION PERIOD]

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On August 18, 2020, Petitioner filed the instant habeas petition in this Court. (Doc. 1.) Petitioner challenges his March 31, 2005 conviction. Petitioner is already proceeding with a petition challenging this conviction in Brown v. Warden of U.S.P. Atwater, Case No. 1:20-cv-00233-SAB (HC). In that action, the matter is awaiting a response from Respondent.

Review of the petitions filed in both actions reveals that the instant petition duplicates the prior petition. A federal court must dismiss a second or successive petition that raises the same grounds as a prior petition. 28 U.S.C. § 2244(b)(1).

**ORDER**

Accordingly, the Court DIRECTS the Clerk of Court to assign a District Judge to the case.

**RECOMMENDATION**

The Court RECOMMENDS that the petition be dismissed as duplicative and successive.

1 This Findings and Recommendation is submitted to the United States District Court Judge  
2 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the  
3 Local Rules of Practice for the United States District Court, Eastern District of California. Within ten  
4 days after being served with a copy, Petitioner may file written objections with the Court. Such a  
5 document should be captioned “Objections to Magistrate Judge’s Findings and Recommendation.”  
6 The Court will then review the Magistrate Judge’s ruling pursuant to 28 U.S.C. § 636 (b)(1)(C).  
7 Petitioner is advised that failure to file objections within the specified time may waive the right to  
8 appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

9  
10 IT IS SO ORDERED.

11 Dated: August 24, 2020

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE